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In re Application of :  
Kaye, Allan. :  
Serial No. 10/525,063 :  
Filed: February 18, 2005 :  
Docket: 540-551 :  
Title: METHOD AND TOOL FOR FORMING :  
A BRACKET IN COMPOSITE :  
MATERIAL AND BRACKET :  
DECISION ON PETITION

This is a decision on the petition filed September 20, 2007 requesting reconsideration of the decision dated July 20, 2007. The petition is filed under 37 CFR § 1.181 and no fee is required.

The petition is denied.

Background

The previous petition was granted-in-part. Withdrawal of objections to the drawings and specification were granted. A standing restriction requirement based on a holding of lack of unity, since the application is a National stage application filed under 35 U.S.C. § 171, was dismissed. The examiner had held there was no unity and that the restriction, therefore, is proper because the special technical feature to a fold line extending only partially across the claimed blank. On review, the technology center director concurred with the examiner.

Discussion and Analysis

In the present petition, petitioner asserts that the references do not, in fact, teach extending only partially across the blank along with non-folding portions at each end of the fold line.

Reviewing the patent to Machida (U.S. 4,784,920), it appears that non-folding portions can be considered wherever the blank is not deformed, including immediately adjacent above and below a deformed portion whether at the end or the middle of the deformed, i.e., folded portion. The folded portion can be considered as extending only partially across the blank since it does not consume the entire blank. Similar comments can be made of the fold lines in the patent to Fogg III (U.S. Pat. 4,210,694). In addition, aside from interpretation of claim

language, partial fold lines are well known in general. For example, see partial fold line 114 in the blank in the patent to Noland (U.S. Pat. 4,953,782) that appears to stop before the blank's edges in Fig. 1. A similar fold line appears to exist at at least 33 in Fig. 1 of the patent to Colletti (U.S. Pat. 4,830,185). Moreover, please note the partial fold lines in the blank in Fig. 1 of the patent to Howard (U.S. Pat. 3,290,092) and at 18 in Fig. 1 of the patent to St. Louis (U.S. Pat. 4,628,661).

In view of the evidence by the cited body of art, it would appear that the partial fold with non-folding portions at each end of the fold line is well established. Since this feature is old, concurrence with the holding that there is a lack of unity as set forth in the previous decision stands.

Conclusion

The issue raised on reconsideration has been responded to by the undersigned. The petition is unconvincing.

PETITION DENIED.

Any inquiry regarding this decision should be directed to Allan N. Shoap, Special Programs Examiner, at (571) 272-4514.

for Karen M. Young  
Frederick R. Schmidt, Director  
Technology Center 3700